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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,212	03/18/2004	Kenneth C. Shuey	ELSE-0826/E200230010	5828
23377	7590	12/22/2005	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE, 46TH FLOOR 1650 MARKET STREET PHILADELPHIA, PA 19103			PATEL, PARESH H	
			ART UNIT	PAPER NUMBER
			2829	

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EK

Office Action Summary

Application No.

10/803,212

Applicant(s)

SHUEY, KENNETH C.

Examiner

Paresh Patel

Art Unit

2829

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 21-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/17/2005 have been fully considered but they are not persuasive. With respect to claim 1, Applicant's disagrees with applied prior art because Hemminger and Munday disclose an optical diode in parallel with the power supply. Examiner disagrees with applicant because Hemminger discloses all the elements of claim 1, as claimed, including **the optical diode in series with the power supply**. Applicant's uses metering circuits 306 (see page 9 of remarks) to support the argument, it is noted that the features upon which applicant relies (i.e., metering circuits 306, see page 9) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
2. With respect to claims 11 and 12, Applicant relies on the same reason as mentioned above for Litz reference. Examiner disagrees for the same reason as mentioned above.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-10 and 13-20 are rejected under 35 U.S.C. 102(b) as anticipated by Applicant disclosed prior art fig. 1-2, Hemminger et al. (US 6504357) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hemminger et al. (US 5555508)

Regarding claim 1, Applicant disclosed Prior art (hereafter APA) in fig. 1-2 discloses an electrical power meter [10] having electronic components, comprising:

a power supply [204] for converting alternating current (AC) voltage to a direct current (DC) voltage for powering the electronic components [205]; and
an optical diode [201] in series with the power supply.

Regarding claim 2, APA discloses the meter of claim 1, wherein the optical diode converts an electrical signal to an optical signal [see paragraph 0026].

Regarding claim 3, APA discloses the meter of claim 1, wherein the electronic components include at least one of the following: a microprocessor [16], an analog-to-digital converter, a digital signal processor, and a resistive divider circuit.

Regarding claim 4, APA discloses the meter of claim 1, wherein the optical diode is a light emitting diode [201].

Regarding claim 5, APA discloses the meter of claim 1, wherein the AC voltage is provided by an electric power line [phase voltage A-C of fig. 1].

Regarding claim 6, APA discloses the meter of claim 1, further comprising an optical communications port [40] in communication with the optical diode.

Regarding claim 7, APA discloses the meter of claim 1, wherein the optical communications port provides data relating to the operation of the meter [paragraph 0014 and 0026].

Regarding claim 8, APA discloses the meter of claim 1, wherein the power supply is capable [204, see fig. 2] of providing power sufficient to operate the optical diode and the electronic components.

Regarding claim 9, APA discloses the meter of claim 1, further comprising a switch [203] in communication with the optical diode.

Regarding claim 10, APA discloses the meter of claim 9, wherein the switch comprises a transistor [203].

Regarding claim 13, APA discloses the meter of claim 9, wherein the switch provides DC current to the optical diode when a request for communication [from microprocessor of 205 to the base of 203] is received.

Regarding claim 14, APA discloses the meter of claim 13, wherein the DC current provided to the optical diode represents communication of data with an optical communications port [paragraph 0026].

Regarding claim 15, APA discloses the meter of claim 9, wherein the switch is controlled by a microprocessor device [205].

Regarding claim 16, Hemminger in fig. 5 discloses, the meter of claim 89, further comprising a buffer transistor [grounded transistor] in series connection with the switch.

Regarding claim 17, Hemminger in fig. 5 discloses, the meter of claim 16, further comprising a microprocessor for controlling operation of the buffer transistor [see arrow for 16].

Regarding claim 18, APA discloses the meter of claim 8, further comprising a first resistor [202] in series connection with the switch.

Regarding claim 19, Hemminger in fig. 5 discloses the meter of claim 8, further comprising a second resistor [resistor between +5V and 110] 3in parallel connection with the switch.

Regarding claim 20, APA discloses the meter of claim 1, wherein the optical diode causes a voltage drop [drop across 201] of the DC power provided by the power supply.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11-12 rejected under 35 U.S.C. 103(a) as being unpatentable over APA and Hemminger et al. as applied to claims 9 and 1 above, and further in view of Litz et al. (US 5274082).

Regarding claim 11, APA and Hemminger et al. discloses all the elements except for the meter of claim 9, wherein the switch is in parallel with the optical diode. Litz et al. (hereafter Litz) in fig. 6 discloses the switch [36] is in parallel with the optical diode 30] to control the voltage at line 1 using microprocessor 13. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add the switch in parallel with the optical diode of APA or Hemminger et al. to control optical diode, which further control external line. [see lines 25-50 of column 5]. Regarding claim 12. Litz discloses the meter of claim 9, wherein the switch allows DC current to bypass the optical diode.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paresh Patel whose telephone number is 571-272-1968. The examiner can normally be reached on 8:00 to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 571-272-2034. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



December 20, 2005

Paresh Patel
Primary Examiner
Art Unit 2829